

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

S3 GRAPHICS CO., LTD.,

Plaintiff,

v.

ATI TECHNOLOGIES ULC, ATI
INTERNATIONAL SRL, and ADVANCED
MICRO DEVICES, INC.,

Defendants.

C.A. No. 11-1298-LPS

THIRD AMENDED SCHEDULING ORDER

At Wilmington this 15th day of December, 2014, the Court having ordered the deferral of all pending deadlines in this action during a telephonic discovery conference on October 31, 2014 (*see* D.I. 254), and the parties having stipulated to the submission of a new case management schedule through trial (*see* D.I. 255, ¶ 4);

IT IS HEREBY ORDERED that the Scheduling Order in this action (D.I. 32), as subsequently amended (D.I. 45, 143, 210, 241), is hereby further amended as follows:

A. SUMMARY OF REVISED CASE SCHEDULE

Event	Previous Date	New Date
Expert Discovery Cut-Off	November 19, 2014	January 30, 2015
Objections to Expert Testimony	November 21, 2014	February 27, 2015
Case Dispositive Motions	November 21, 2014	February 27, 2015
Response Briefs to Case Dispositive Motions	N/A	March 27, 2015
Reply Briefs to Case Dispositive Motions	N/A	April 10, 2015

Event	Previous Date	New Date
Hearing on Case Dispositive and Daubert Motions	TBD	[June 2015 requested] _____
Joint Pretrial Order	TBD	[August 2015 requested] _____
Pretrial Conference	TBD	[August 2015 requested] _____
Trial	TBD	[September 2015 requested] ¹ _____

B. SPECIFIC AMENDMENTS TO SCHEDULING ORDER

Subsection 3.f.ii. of the Scheduling Order, D.I. 32, is replaced by the following paragraph 1:

1. **Objections to Expert Testimony.** To the extent any objection to expert testimony is made pursuant to the principles announced in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), as incorporated in Federal Rule of Evidence 702, it shall be made by motion no later than the deadline for dispositive motions set forth herein, unless otherwise ordered by the Court. Briefing on such motions is subject to the page limits set out in connection with briefing of case dispositive motions.

The Addendum to Scheduling Order, D.I. 32, is replaced by the following paragraphs 2 and 3:

2. **Page limits combined with Daubert motion page limits.** Each party is permitted to file as many case dispositive motions as desired; provided, however, that each *SIDE* will be limited to a combined total of 40 pages for all opening briefs, a combined total of 40 pages for all answering briefs, and a combined total of 20 pages for all reply briefs regardless of

¹ Subject to confirming witness availability.

the number of case dispositive motions that are filed. In the event that a party files, in addition to a case dispositive motion, a Daubert motion to exclude all or any portion of an expert's testimony, the total amount of pages permitted for all case dispositive and Daubert motions shall be increased to 50 pages for all opening briefs, 50 pages for all answering briefs, and 25 pages for all reply briefs for each *SIDE*.

3. **Hearing.** The Court will hear argument on all pending case dispositive and Daubert motions on June 9, 2015 beginning at 9:00 a.m. Subject to further order of the Court, each side will be allocated a total of forty-five (45) minutes to present its argument on all pending motions.

Section 11 of the Scheduling Order, D.I. 32, is replaced by the following paragraph 4:

4. **Pretrial Conference.** On Aug. 28, 2015, the Court will hold a pretrial conference in Court with counsel beginning at 11:30 a.m. Unless otherwise ordered by the Court, the parties should assume that filing the pretrial order satisfies the pretrial disclosure requirement of Federal Rule of Civil Procedure 26(a)(3). The parties shall file with the Court the joint proposed final pretrial order with the information required by the form of Revised Final Pretrial Order - Patent, which can be found on the Court's website (www.ded.uscourts.gov), on or before Aug. 17, 2015. Unless otherwise ordered by the Court, the parties shall comply with the timeframes set forth in Local Rule 16.3(d)(1)-(3) for the preparation of the joint proposed final pretrial order.

The parties shall provide the Court two (2) courtesy copies of the joint proposed final pretrial order and all attachments.

Section 13 of the Scheduling Order, D.I. 32, is replaced by the following paragraph 5:

5. **Trial**. This matter is scheduled for a five (5) day bench trial beginning at 9:30 a.m. on Sept. 8, 2015, with the subsequent trial days beginning at 9:00 a.m. The trial will be timed, as counsel will be allocated a total number of hours in which to present their respective cases.



CHIEF, UNITED STATES DISTRICT JUDGE